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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellants: Alberti et al.

Group Art Unit: 3621

Serial No.: 09/752,065

Examiner: Hewitt II, Clavin L.

Filed: December 29, 2000

Appeal No.:

For: WEB-BASED SOLUTION FOR MANAGING INFORMATION TRADITIONALLY
MANAGED WITHIN PRIVATE ELECTRONIC ENVIRONMENTS

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Appellants' Reply Brief to the Examiner's Answer

Dear Sir:

In reply to the Examiner's Answer dated August 1, 2006, appellants submit this Reply Brief. The Reply Brief is due by October 2, 2006 (October 1st being a Sunday). Therefore, this Reply Brief is being timely filed.

Non-Analogous Art

Initially, in the Examiner's Answer on page 6, it is asserted that it is appellants' opinion that Walker et al. is non-analogous art, however no such assertion was raised.

In Appellant's Brief, appellants' did not raise this issue or address the two-steps required for showing a reference to be non-analogous art. Instead, it is appellants' opinion is that the system disclosed in Walker et al. is different from and not the same as appellants' system, and thus, neither anticipates nor suggests, appellants' invention as recited in the claims.

Further raising the issue that Walker et al. is non-analogous art in the Examiner's Answer indeed reinforces appellants' position that Walker et al. is clearly different and lacking in the claimed features of appellants' invention.

Private Electronic Environment Compared to Public Electronic Environment

Oftentimes, business information is stored on a private electronic environment such as computer internal to the business such as an Enterprise Resource Planning (ERP) system. An ERP system is an integrated transaction-processing system, e.g., software system that is designed to support and automate the business processes of medium and large businesses. In order to access the information, connection to the internal computer is needed, as well as knowledge of the particular graphical user interfaces (GUI) used to access the information. Due to the sensitive nature of the types of information tracked by ERP systems, from both the buyer and seller perspective, heretofore ERP systems have resided on private, secure computer networks, and have not been accessible from public computer networks such as the Internet. Appellants' invention is directed to the capability that facilitates managing information in a public electronic environment off-line from the private electronic environment. For example, appellants' invention minimize access to the private electronic environment by pre-fetching data and storing it on a web server of a public electronic environment. Desirably, users may not be forced to employ a specific GUI paradigm in order to manage the information when operating in the public electronic environment.

With reference to Walker et al., Walker et al. disclose a buyer-driven e-commerce system, otherwise known in one prominent embodiment as, priceline.com's "reverse auction" business format (Priceline system), where consumers can go the Internet to name their price for goods and services such as airline tickets, and sellers can electronically decide whether to accept the customer's price.

As shown in FIG. 1 of Walker et al., the networked system of Walker et al. includes a central controller 200, seller interfaces 300, and a buyer interface 400. As shown in FIGS. 3 and 4, and described in column 14, lines 53-65 in Walker et al., the seller interface 300 and buyer interface 400 are both conventional personal computers having an input device, such as a keyboard, mouse, or conventional voice recognition software package; a display device, such as a video monitor; a processing device such as a CPU; and a network interface such as a modem. These devices interface with central controller 200. In an online embodiment, the central controller acts as a web server (Walker et al. at column 15, lines 45-48). Alternatively, seller interface 300 and buyer interface 400 may also be voice mail systems, fax machines or pagers in an offline embodiment (Walker et al. at column 23, lines 20-24). In any event, the central controller 200, the seller interfaces 300, and the buyer interface 400 are publicly accessible systems, and neither a private electronic environment, nor an Enterprise Resource Planning (ERP) system.

§102(b) Rejection

In the Examiner's Answer on pages 3-5, the bulleted list of items allegedly disclosed in Walker et al. is again presented. At first blush, it appears that aspects of appellants' claims invention are found in Walker et al. However upon closer scrutiny, Walker et al. fails to specifically disclose appellants' claimed invention. Without acquiescing to the accuracy of each stated characterization of Walker et al. in the Examiner's Answer, below is a side-by-side comparison of the stated characterizations in Walker et al. and a listing of the features lacking in appellants' claimed invention.

Walker et al.
Allegedly Disclose

Features Lacking Compared to
Appellants' Claimed Invention

identifying information (e.g. entered data regarding proposal for a contract) to be managed (figure 1)

FIG. 1 in Walker et al. illustrates a networked system for purchasing, e.g., airline tickets, which includes a central controller 200, seller interfaces 300, and a buyer interface 400. Walker et al. in FIG. 1 fail to disclose a "private electronic environment" or an "enterprise resource planning system." More importantly, Walker et al. fail to disclose identifying information "via a public electronic environment, from an enterprise resource planning system within a private electronic environment."

managing information within a public environment off-line from the private environment (figures 2, 6 and 20; column 12, lines 8-21 and 40-53; column 14, lines 33-39; column/line 22/39-23/19; column 27, lines 20-43)

Walker et al. in FIG. 2 illustrates central controller 200, in FIG. 6 illustrates a flowchart regarding acceptance of a conditional purchase offer by the central controller, and in FIG. 20 illustrates one embodiment of the central controller. Further, in FIG. 20 and column 27, lines 20-43, the central controller may be separated into three distinct elements which are susceptible to attackers or hackers. Thus, Walker et al. fail to disclose "managing the information using the public electronic environment "... "off-line from the private electronic environment."

obtaining (e.g. pre-fetching) data from the private electronic environment to be used for creating the proposal and wherein the private environment comprises executing a server running an enterprise resource planning system (figures 6 and 14; column 12, lines 40-53; column/line 16/62-17/8; column 24/24-25/19; column/line 27/30-30/29)

In Walker et al., FIG. 6 illustrates the acceptance of a conditional purchase offer by the central controller, and FIG. 14 illustrates an exemplary authentication procedure between a seller and the central controller using cryptographic protocols. The controller and seller are not "private electronic environments" nor "an enterprise resource planning system." Thus, Walker et al. fails to disclose "pre-fetching data from said private electronic environment to be used in the managing of said information."

Walker et al.
Allegedly Disclose

Features Lacking Compared to
Appellants' Claimed Invention

negotiating one or more terms of the proposal while disconnected from the private environment (column/line 15/45-16/63; column 19, lines 54-60; column/line 22/39-23/19)

Walker et al. in column/line 15/45-16/63, column 19, lines 54-60, column/line 22/39-23/19 specifically identify this section of the patent with the title "Online Embodiment." While the buyer may disconnect from the networked system of Walker et al. after creating a CPO and sending it to the networked system (column 15, line 50), the fact is, the buyer (e.g., personal computer), networked system of Walker et al., and the seller (e.g., computer) are all public electronic environments. Thus, Walker et al. fail to disclose "a private electronic environment and particularly an enterprise resource planning system," and fail to disclose "negotiating one or more terms of the proposal, while disconnected from the private electronic environment."

managing in said public environment comprising maintaining (or storing), obtaining status related to information and a report related to the information (figures 2, 6 and 20; column 12, lines 8-21 and 40-53; column/line 16/62-17/8; column 17, lines 25-47; column/line 22/39-23/19; column 27/20-28/18)

Walker et al. in FIG. 2 illustrates central controller 200, in FIG. 6 illustrates a flowchart regarding acceptance of a conditional purchase offer by the central controller, and in FIG. 20 illustrates one embodiment of the central controller. The central controller in Walker et al. is a public electronic environment, and thus, Walker et al. fail to disclose managing the information (maintaining, storing, obtaining status, or a report) using the public electronic environment "off-line from the private electronic environment."

registering (in real-time) the information with the private environment (figures 2, 5 and 6; column 12, lines 8-21 and 40-53)

Walker et al. in FIG. 2 illustrates central controller 200, in FIG. 5 illustrates how a conditional purchase offer is generated, and in FIG. 6 illustrates a flowchart regarding acceptance of a conditional purchase offer by the central controller. Walker et al. at column 12, lines 8-21 describe a conventional personal computer or computer workstation as the central controller, and column 12, lines 40-53 describe the processing of credit card transactions. The central controller in Walker et al. is a public electronic environment, and thus, Walker et al. fail to disclose "registering (in real-time) the information with the private electronic environment."

Walker et al.
Allegedly Disclose

requesting approval of the information wherein registering is in response to the approval (figures 5 and 6; column 1 lines 16/62-17/8; column 17, lines 25-47; column/line 23/65-25/35; column 27/20-28/18)

registering a proposal to form a contract and administering a contract (abstract; column 8, lines 27-56)

a public environment comprising a web server executing a portal (figures 1 and 2; column 14, lines 8-30)

obtaining proposal data from a private environment, creating the proposal in a public environment and providing said proposal to said private environment, approving said proposal prior to providing said proposal to the private environment, registering the proposal with a private electronic environment, wherein the approved proposal becomes a [sales] contract, negotiating one or more terms of the proposal (abstract; column/line 22/39-23/19; column/line 23/65-25/35; column 26, lines 47-56)

Features Lacking Compared to
Appellants' Claimed Invention

Walker et al. in FIG. 5 illustrates how a conditional purchase offer is generated, and in FIG. 6 illustrates a flowchart regarding acceptance of a conditional purchase offer by the central controller. However, Walker et al. fail to disclose the combination of managing the information (requesting approval) using "the public electronic environment off-line from the private electronic environment", and "registering the manage information with the private electronic environment."

Walker et al. fail to disclose "registering the managed information (contract) with the private electronic environment."

While Walker et al. disclose in FIGS. 1 and 2, a public electronic environment, Walker et al. fail to disclose a "private electronic environment", fail to disclose an "enterprise resource planning system within a private electronic environment", and further fail to disclose "identifying", "managing", and "registering" information between a public electronic environment and such a private electronic environment.

In Walker et al., the abstract (discloses the public electronic environment), column/line 22/39-23/19 (discloses the Counteroffer Embodiment), column/line 23/65-25/35 (discloses the Cryptographic Authentication Embodiment), and column 26, lines 47-56 (discloses cryptographic and biometric protocol, and the beginning of the section on Anonymous Transaction Embodiment). More importantly, Walker et al. fail to disclose a private electronic environment, and thus, fail to disclose, either alone or in combination, the steps of "obtaining data, via a public electronic environment, for said proposal from an enterprise resource planning system within a private electronic environment", "creating said proposal using said public electronic environment disconnected from said private electronic environment", and "providing said proposal, via said public electronic environment, to said private electronic environment." Walker et al. also fail to disclose such a method which also includes "said proposal comprises a proposal for a sales contract", and wherein "said proposal comprises negotiating one or more terms of said proposal."

Walker et al.
Allegedly Disclose

Features Lacking Compared to
Appellants' Claimed Invention

a public environment comprises a web server (figures 1 and 2; column 14, lines 8-30)

While Walker et al. disclose in FIGS. 1 and 2, a public electronic environment, Walker et al. fail to disclose a "private electronic environment", fail to disclose an "enterprise resource planning system within a private electronic environment", and further fail to disclose "identifying", "managing", and "registering" information between a public electronic environment and such a private electronic environment.

Claims 1-8, 10-18, 26-33, 35-39, 41-43, 51, 53-60 and 62-70, and 19-25, 44-50, 52, and 71-76

Identifying information, via a public electronic environment, from an enterprise resource planning system within a private electronic environment

In the Examiner's Answer on page 7, it is stated that allegedly the "central controller that displays the web page is an enterprise resource planning (ERP) system (Walker et al. '207, figure 2)". In addition, on page 8 of the Examiner's Answer, it is stated that allegedly the "the central controller is also private because it maintains cryptographic keys (Walker et al. '207, column 13, lines 54-60)."

Initially, the "cryptographic keys" referred to above is actually a "cryptographic key database 290" which is part of central controller 200 in FIG. 2. Thus, Walker et al. simply disclose a public electronic environment with encryption and decryption of CPOs, and neither a private electronic environment nor a private electronic environment operating an ERP.

Managing the information using the public electronic environment, wherein one or more aspects of managing the information are performed within the public electronic environment off-line from the private electronic environment

In the Examiner's Answer on page 8, it was the position that allegedly "Walker et al. also teach aspects of managing (i.e., response and counteroffer exchanges between buyer and seller) off-line or disconnected from the private electronic environment (e.g., encryption, authentication,

verification) of the central controller.

However, Walker et al. disclose only a public electronic environment with security features, and not a private electronic environment. Thus, there is no disclosure, teaching or suggestion in Walker et al. of "managing the information using a public electronic environment ... off-line from a private electronic environment."

Registering the managed information, via the public electronic environment, with the private electronic environment

In the Examiner's Answer on page 9, it was argued that "one of ordinary skill would recognize the central controller as "private" as it is owned by a company, entity or person(s) (Walker et al. '207, column 20, lines 16-30)."

It is respectfully submitted that it is not ownership of the electronic environment but accessibility, and in particular, whether the electronic environment is internal to the company or accessible by others outside the company that distinguishes between a "private electronic environment" and a "public electronic environment."

Claims 17, 42, and 69

In the Examiner's Answer, it was the position that Walker et al. allegedly teaches retrieving a symmetric or public key from a cryptographic key database for encrypting and decrypting (i.e., authenticating) CPOs, seller responses and counteroffers (Walker et al. '207, figure 2; column 13, lines 54-58; column 24, lines 23-64; column/line 24/64-25/29), in other words the keys are stored and accessible prior to actual use (i.e. pre-fetched), and therefore the prior art teaches pre-fetching data from said private electronic environment to be used in the managing of said information.

As explained above, in Walker et al., the cryptographic key database 290 is part of central controller 200 in FIG. 2, i.e., a public electronic environment. Further, the accessed keys themselves are not used in managing the information. Thus, there is no teaching or suggestion in

Walker et al of "pre-fetching data from said private electronic environment to be used in the managing of said information" using the "public electronic environment off-line from the private electronic environment" as recited in claim 17, 42, and 69.

Claims 10, 12, 35, 46, 62, and 73

Without acquiescing to the characterization that Walker et al. teaches buyers requesting authentication and verification of seller responses and counteroffers, Walker et al. still fail to teach or suggest a private electronic environment, and the managing (approval) of the information "off-line from the private electronic environment" and the registering of the managed information "with the private electronic environment."

Claims 24, 49, and 75

As Walker et al. fail to disclose, teach or suggest, both a private electronic environment and a public electronic environment, Walker et al. fail to disclose a firewall between a private electronic environment and a public electronic environment.

Conclusion

Appellants respectfully request reversal of the rejections set forth in the final Office Action. Appellants submit that Walker et al. would neither have anticipated nor rendered the functionality recited in their claimed invention obvious. The Walker et al. patent does not disclose, teach or suggest appellants' recited independent claims for methods, systems, and computer products for managing information or creating a proposal such as a contract which include: (1) identifying information or obtaining data for a proposal using a public electronic environment from an Enterprise Resource Planning System in a private electronic, (2) managing the information or data in a public electronic environment offline or disconnected from the private electronic environment, and (3) registering the managed information or proposal via the public electronic environment with the private electronic environment.

Accordingly, reversal of the rejections is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, reading "David A. Pascarella". The signature is fluid and cursive, with the first name "David" and last name "Pascarella" clearly legible. It is positioned above a horizontal line.

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